IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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FRIDAY, THE THIRTYIETH DAY OF SEPTEMBER

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE K.C.BHANU

* * *

WP.No.21024 OF 2005

Between:

Haji Osman s/o Haji Kadar

Proprietor: M/s. Abdul Sattar Saleh Mohd. & Company

HPC Kerosene, Bhongir, Nalgonda district …. Petitioner

Versus

The District Collector,

Nalgonda, Nalgonda district. … Respondent

Counsel for the Petitioner: Mr.A.RAJASEKAR REDDY

Counsel for the Respondent: GP for Revenue

O R D E R :

Challenging the Proceedings No.CS-5/1435/2005 dated 13-9-2005 issued by the respondent in suspending the fair price shop licence of the petitioner for committing certain irregularities, the present writ petition is filed.

The learned counsel for the petitioner contended that the impugned suspension order is completely in violation of clause 28 of A.P. Petroleum Products Order 1980 and therefore the same is liable to be set aside.

On the other hand, the learned Government Pleader contended that this is an order under clause 28 (2) of the A.P. Petroleum Products Order 1980 and therefore the order is completely in consonance with the A.P. Petroleum Products Order 1980 and therefore no notice is required to be given before passing the order and hence prays to dismiss the petition.

Clause 28 (2) of the AP Petroleum Products Order 1980 gives power to the concerned authority place suspension of the fair price shop and notice is required before suspending authorization pending enquiry. At the same time Clause 28 (1) of

the said Order do indicate a notice is required to be given to the affected party.

Clause 28 of the said order is considered by this court in **A.SRIRAMA MURTHY V/s. JOINT COLLECTOR, VISAKHAPATNAM & ORS**. reported in 1989 (1) Law Summary at Page-89 wherein it is held for invocation of the power of interim suspension under clause 28 (2) of the Order action ought to have been initiated by 05-8-1997 and before passing the order of interim suspension.

To the same effect, the Division Bench of this court in a decision in WA.No.614 of 2001 between **M/s. MANIKESHWEARI AGENCIES, INDIAN OIL CORPORATION, KEROSENE WHOLESALE DEALER, MAHESWARAM V/s. THE JOINT COLLECTOR, RANGA REDDY DISTRICT**, wherein it is held that there cannot be any doubt whatsoever that suspension of licence has civil consequences, and therefore, the authority before passing any order should comply with the mandatory requirement contained in Clause 28 of the Petroleum Order.

In this case, no notice is given and so also no action is initiated on the impugned proceedings. Therefore, it is in clear violation of Clause 28 of A.P. Petroleum Products Order 1980 as interpreted by this court.

Following the said judgment, the impugned proceedings is set aside and the matter is remitted to the District Collector, Nalgonda for taking appropriate action in accordance with law.

The writ petition is accordingly disposed of at the admission stage. No costs.

SEPTEMBER 30th, 2005. ----------

I s L. **K C.. B H A N U , J**.